

State of Hawai'i  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of State Parks  
Honolulu, Hawai'i 96813

March 12, 2021

Board of Land and Natural Resources  
State of Hawai'i  
Honolulu, Hawai'i

KAUA'I

CONSENT TO ASSIGN GENERAL LEASE NO. SP0453, GINA MARIE POPE, ASSIGNOR,  
TO, ASSIGNEE, MICHAEL S. WALLACE, LOT 64, KOKE'E CAMP SITE LOTS, WAIMEA  
(KONA), KAUA'I, TAX MAP KEY: (4)1-4-004:040

APPLICANT:

GINA MARIE POPE, as Assignor, to MICHAEL S. WALLACE, Assignee

LEGAL REFERENCE:

Section 171-36(a)(5), Hawai'i Revised Statutes, as amended.

LOCATION:

Lot 64, Koke'e Camp Site Lots, Waimea (Kona), Kaua'i, Tax Map Key: (4)1-4-004:040,  
as shown on the attached legal description and survey map labeled **EXHIBIT A**.

AREA:

1.07 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawai'i Admission Act  
DHHL 30% entitlement lands pursuant to the Hawai'i State Constitution: NO

CHARACTER OF USE:

Recreation – residence.

TERM OF LEASE:

Twenty (20) years, commencing January 1, 2012, and expiring on December 31, 2031.  
There is one rental reopening scheduled after ten years.

ANNUAL RENTAL:

Eighteen thousand and no/dollars (\$18,000.00) annually due on the first of every January.

CONSIDERATION:

Gina Marie Pope attests that no compensation was given for the assignment of the lease per the attached affidavit labeled **EXHIBIT B**.

RECOMMENDED PREMIUM:

Not applicable as there is no consideration for the assignment of this lease.

DCCA VERIFICATION:

NONE. Applicant is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant/Assignee shall prepare and submit a fully executed assignment of lease and meet other requirements as deemed to best serve the interest of the State..

REMARKS:

At its meeting of June 9, 2011, under agenda item E-2, the Board of Land and Natural Resources (Board), approved the sale of eighteen (18) leases (up to 20 years) at public auction for recreational residence purposes. A public auction was held on December 8, 2011, and Gina Marie Pope was the successful bidder and awarded a 20-year recreational residence lease.

Gina Marie Pope entered into a lease under General Lease No. SP0453 effective January 30, 2012 as a result of public auction negotiations with the Department of Land and Natural Resources (DLNR) pursuant to Act 223 SLH 2008.

By way of a letter dated November 16, 2020, Gina M. Pope, had informed State Parks that she wish to transfer the lease over to Michael S. Wallace. The General Lease Assignment is made without compensation or other consideration and Michael S. Wallace has agreed to accept the terms of General Lease No. SP0453.

Lessee is in compliance with the rent as well as the liability insurance required pursuant to the terms of the lease.

Staff notes that the term of the lease is for a period of 20 years commencing January 1, 2012 up to and including the 31<sup>st</sup> day of December 31, 2031.

EAssignee has not had a lease, permit, easement, or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

No comments have been solicited or received from any agency or the community. Staff has no objections to this request.

RECOMMENDATION:

That the Board consent to the Assignment of General Lease No. SP0453, Gina Marie Pope, as Assignor, to Michael S. Wallace, Assignee, subject to the terms above which are hereby incorporated by reference and further subject to the following:

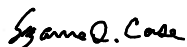
- a. The standard terms and conditions of the most current consent and/or amendment to lease forms, as may be amended from time to time.
- b. Review and approval by the Department of the Attorney General; and,
- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,



CURT A. COTTRELL  
Administrator  
Division of State Parks

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE  
Chairperson  
Board of Land and Natural Resources

ATTACHMENTS:

EXHIBIT A – Legal Description and Survey Map  
EXHIBIT B – Affidavit of Gina Marie Pope





STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES  
HONOLULU

~~XXXXXXXX~~ KAUAI FILE  
FOLDER 3

November 2, 1966

KOKEE CAMP SITE LOTS

LOT 64

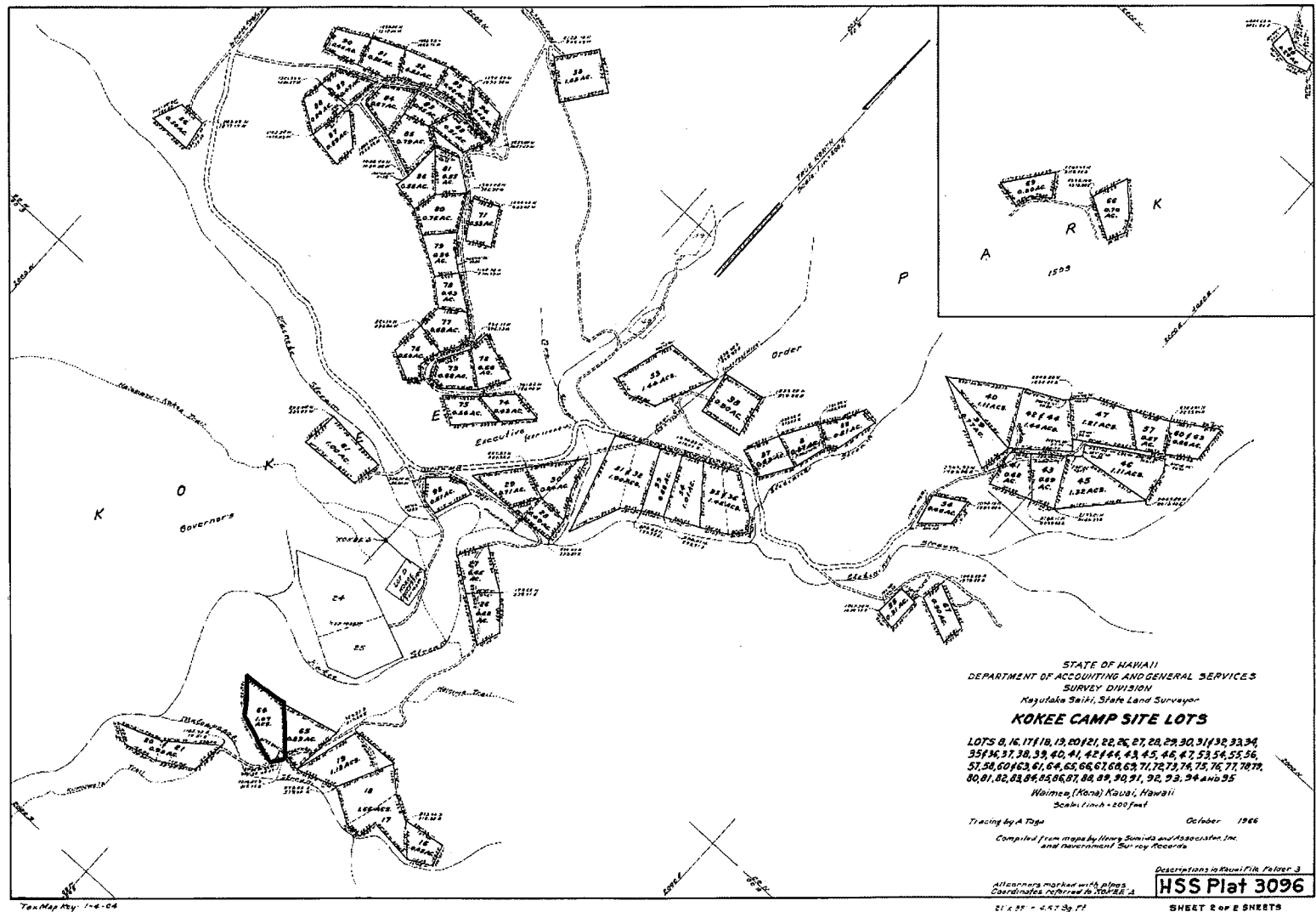
Waimea (Kona), Kauai, Hawaii

Being a portion of Kokee Park  
(Governor's Executive Order 1509)

Beginning at a pipe at the southeast corner of this lot, the southwest corner of Lot 65 of Kokee Camp Site Lots, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KOKEE" being 1016.87 feet South and 315.74 feet East, as shown on H.S.S. Plat 3096, thence running by azimuths measured clockwise from True South:-

- |                |  |
|----------------|--|
| 1. 81° 43'     | 29.92 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;  |
| 2. 349° 25'    | 42.47 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;  |
| 3. 39° 29' 30" | 28.49 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;  |
| 4. 103° 56'    | 104.97 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to a pipe; |
| 5. 111° 29'    | 135.34 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to a pipe; |
| 6. 142° 00'    | 170.00 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to a pipe; |
| 7. 263° 53'    | 214.98 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to a pipe; |

EXHIBIT A



**AFFIDAVIT OF GINA MARIE POPE**

STATE OF Colorado  
COUNTY OF Pitkin } SS:

GINA MARIE POPE, Lessee of General Lease No. SP0453 dated January 25, 2012, being first duly sworn upon oath, deposes and says:

1. I am the Lessee of General Lease No. SP0453 dated January 25, 2012, which was made and entered into by and between Gina Marie Pope, as Lessee, and the State of Hawaii, as Lessor, for the lease of those certain premises identified as Lot 64, Waimea (Kona), Kauai, Hawaii, Tax Key No. (4) 1-4-004:040, containing an area of 1.07 acres, more or less, hereinafter "Lease".

2. Subject to approval by the State of Hawaii, by and through its Board of Land and Natural Resources, I consent to the Assignment of General Lease No. SP0453 to MICHAEL S. WALLACE.

3. I attest that no compensation was given for the foregoing Assignment and MICHAEL S. WALLACE has agreed to accept the terms of General Lease No. SP0453.

FURTHER AFFIANT SAYETH NAUGHT.

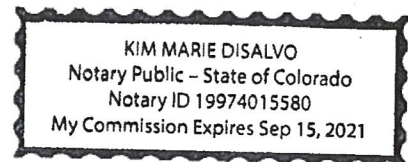
  
GINA MARIE POPE

Doc. Date: 10-08-2020 # Pages: 1

Doc. Description: Affidavit of GINA MARIE POPE

Notary Name: Kim Marie DiSalvo

Subscribed and sworn to before me this 8th day  
of October, 2020



  
Notary Public, in and for said County and State.

My commission expires: 09-15-2021

